

**IN THE CIRCUIT COURT OF THE
16TH JUDICIAL CIRCUIT IN AND FOR
MONROE COUNTY, FLORIDA**

CASE NO.: 18-CA-910-P

LEONORA GONZALEZ,

Plaintiff,

vs.

**K-MART CORPORATION,
a Florida foreign corporation,**

Defendants. /

COMPLAINT

Plaintiff, LEONORA GONZALEZ (“L. GONZALEZ”) sues the Defendant, K-MART CORPORATION (“K-MART”), and alleges as follows:

JURISDICTION AND VENUE

1. This is an action for damages in excess of Fifteen Thousand Dollars (\$15,000.00), exclusive of interest and costs, and is otherwise within the jurisdiction of this Court.
2. This cause of action accrued in Monroe County, Florida, where the acts and omissions giving rise to this cause of action occurred.

PARTIES

3. L. GONZALEZ is a resident of Miami-Dade County, Florida, over eighteen years of age and otherwise sui-juris.
4. K-MART is a Florida foreign corporation with its principal place of business in Hoffman Estates, Illinois.
5. At all material times, K-MART occupied and was in possession and control of a building located at 101499 Overseas Highway #9674, Key Largo, Florida (the premises).

Complaint

6. At all material times, K-MART used the premises to operate a retail store open to and catering to the general public.
7. On or about June 17, 2018, L. GONZALEZ went to the premises to make a purchase with her family.
8. Upon completing her purchase, L. GONZALEZ made her way over to meet up with her family at the front of the store.
9. While walking over, L. GONZALEZ passed a metal display stand at the end of an aisle.
10. As L. GONZALEZ passed by the display, she felt a sharp pain in her leg.
11. Upon looking down, L. GONZALEZ noticed she had been cut and saw blood dripping down her leg.
12. L. GONZALEZ and her family identified a sharp metal corner which was protruding from the metal shelving which caused the injury to her leg.
13. As a result of the cut from the metal shelving, L. GONZALEZ, required stitches which later became infected requiring additional medical treatment, and was unable to participate in the activities during the family vacation for which she was visiting the Florida Keys.

COUNT I
NEGLIGENCE

14. Plaintiff realleges paragraphs 1 through 13.
15. At all material times, K-MART was under a duty to exercise reasonable care to properly maintain the premises in a safe condition.
16. K-MART breached its duty by negligently maintaining the premises in an unsafe and unreasonably dangerous condition, by failing to remove the metal shelving with the sharp

Complaint

metal corner from the pedestrian aisle, thus creating an unreasonably dangerous condition for patrons of its store such as the Plaintiff.

17. The negligent and unreasonably dangerous condition alleged in the preceding paragraph was known to K-MART or had existed for a sufficient length of time so that K-MART, through the exercise of reasonable care, should have discovered it, known it existed, and corrected it.
18. As a direct and proximate result of K-MART's negligence, L. GONZALEZ sustained a deep and severe cut to the shin area of her leg, suffering bodily injury and resulting in pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, expenses of hospitalization, expenses for medical care and treatment, and loss of income, loss and diminishment in her ability to earn money. All of the losses are either permanent or continuing in nature and L. GONZALEZ will suffer the losses in the future.

WHEREFORE, L. GONZALEZ demands judgment against K-MART for damages, costs, pre-judgment interest, and such other relief as this Court deems just and equitable, and

DEMANDS TRIAL BY JURY on all issues so triable.

DATED THIS 26TH DAY OF DECEMBER, 2018

/s/ Jose-Trelles Herrera
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